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| 09/448,836      | 11/23/1999  | TARO SUITO           | SONY-Q9138          | 5510             |

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EXAMINER

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|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2613

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/448,836

Applicant(s)

SUITO ET AL.

Examiner

Tung T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17, 39, 60 and 82 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-7, 18-25, 28, 29, 40-46, 49-50, 61-68, 71, 72, 83-87 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8-16, 26, 27, 30-38, 47, 48, 51-59, 69, 70 and 73-81 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/448,836, filed on November 23, 1999.

### *Drawings*

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6-7, 18-25, 28, 29, 40-46, 49-50, 61-68, 71, 72, 83-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suito et al. (US 6,285,818) in view of Dimitrova et al. (US 6,100,941).

Re claim 1, Suito discloses an apparatus for processing a television signal, wherein the television signal comprises frames of programs and commercials (fig. 2), the apparatus

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comprising means receiving means, a tuner, (3 of fig. 2) for receiving a television signal for an antenna (1 of fig. 2);

commercial candidate block detecting means, a detecting circuit (4 of fig. 2) for detecting a commercial candidate sections in the television signal (col. 3, lines 65-67); measuring means would be considered as a scene change detecting circuit (9 of fig. 2) for measuring a length of commercial candidate block;

determining means, a commercial detecting circuit (10 of fig. 2) for determining whether the commercial candidate block is a commercial block according to the ~~first~~ judgement.

Re claims 2 and 3, Suito further teaches the length standard is 15 seconds (col. 3, lines 21-26), and the standard length would be 450 frames as desired (figs. 3A-C and figs. 8A-8C).

Re claims 6 and 7, wherein the predetermined ranges would be 0.1 seconds and is 3 frames that would be taught by Suito (col. 3, lines 15-19; see also figs. 8A-C).

Re claims 18-22, Suito further discloses the commercial detecting circuit (10 of fig. 2) would alternately determine the commercial (col. 6, lines 25-32); where the length of the commercial is detected by Suito as shown in the figures 8A; a buffer (memory) for storing the reference criterion (col. 6, lines 41-46), where the recording medium (15 of fig. 2) for recording or storing a data such as a writable compact disc, magneto-optical disc, and a hard disc as considered an external device. Suito teaches scene change interval detecting means for detecting whether the time interval of the scene change points detected by the scene change detecting circuit (9 of fig. 2) agrees with a predetermined rule, so this would suggest that the scene change detecting circuit (9) would have the predetermine range that is 1/6 of a second, and the predetermined range is 5 frames.

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Re claims 23-25 see the analysis of claims 1-3.

Re claims 28-29 see the analysis of claims 6 and 7.

It is noted that the Suito fails to specifically disclose judgement means for measuring a length of the commercial candidate block judgement of whether the length of the commercial candidate block is within a predetermined range of an integral multiple of a standard length as specified in claims 1, 23, 44, 66. However, Dimitrova teaches means (col. 6, lines 11-20) for measuring a length (-2400 to 2400) of the commercial block AC1 (NOT SET BIT, and SET BIT of fig. 7); comparing means called judgement means for making a first judgement of whether the length of the commercial candidate block is within the predetermined range of the integral multiple of standard length (606 of fig. 6A, 616 of fig. 6B), comparing each extracted AC values to AC threshold and set bit if exceeds then doing the comparison of frame to identify the commercial candidate block occurs based on comparing means. Taking the respective teachings of Suito and Dimitrova together as a whole, it would have been obvious to one skill in the art to modify the teachings of Dimitrova as specified above into the apparatus of Suito for the same purpose of measuring a length of the commercial candidate block judgement of whether the length of the commercial candidate block is within a predetermined range of an integral multiple of a standard length. Doing so would allow the apparatus to detect or find a commercial more reliably and to reduce the computation and cost.

Re claims 40-43, 61-65 and 83-87, see the analysis of claims 18-22.

Re claims 44-46, see the analysis of claims 1-3.

Re claims 49-50, see the analysis of claims 6 and 7.

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Re claims 66-68 and 71-72, since the combination of Suito and Dimitrova teaches all of the claimed features above, these claimed features would be implement on a write apparatus (14 of fig. 2) and a recording medium is suggested by Suito ( 15 of fig. 2).

*Allowable Subject Matter*

6. Claims 17, 39, 60, 82 allowed.

7. The following is an examiner's statement of reasons for allowance: the combination of Suito and Dimitrova fails to disclose a first comparator for making a first judgement of whether the length of the commercial candidate section is within a first predetermined range of integral multiple of standard length, a second comparator for making a second judgement of whether the intermediate section is within a second predetermined range in combination with other as specified in claims 17, 39, 60 and 82.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Claims 4-5, 8-16, 26-27, 30-38, 47-48, 51-59, 690, and 73-81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iggulden et al. (US 5,987,210) discloses a method and apparatus for eliminating television commercial messages.

Dettmer et al. (US 5,812,732) discloses a method and apparatus for the classification of television signals.

*Contact Information*

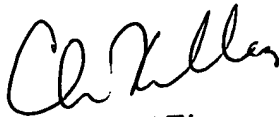
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-700.

Tung T. Vo  
Examiner  
Art Unit 2613

T.Vo  
April 2, 2002

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
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